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MEMO ENDORSED

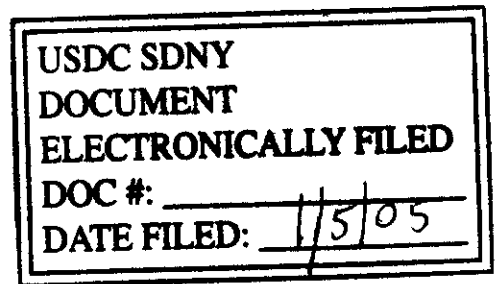
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December 10, 2004

VIA HAND DELIVERY

Honorable Kenneth M. Karas, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 920
New York, New York 10007-1312



Re: Frontier Insurance Co. v. Dwight Halvorson Insurance Services, et al.,
04 Civ. 3361 (KMK)

Dear Judge Karas:

We represent plaintiff Gregory V. Serio, Superintendent of Insurance of the State of New York, as Rehabilitator of Frontier Insurance Company and as Assignee of Platinum Indemnity, Ltd., in the above-referenced matter. We write to respectfully request the Court's assistance in resolving a discovery dispute that has arisen in this litigation. In short, the defendants' discovery responses are now long overdue and defense counsel has provided no meaningful assurances that those responses will be forthcoming.


In early October 2004, we served on defense counsel our document demands and interrogatories. The defendants' responses to those discovery requests were due in early November 2004. To date, we have yet to receive any responses from the defendants. On repeated occasions throughout the past month, we have contacted defense counsel in an attempt to resolve this issue amicably. Defense counsel repeatedly assured us that we would receive discovery responses and documents in short order. Most recently, on November 30, 2004, defense counsel advised that we would receive the responses and documents by no later than December 2, 2004. Over a week has passed since that deadline and we have still not received either responses or documents, nor have we received any indication from defense counsel as to when we might expect the outstanding discovery responses. On December 8, 2004, we wrote to defense counsel advising that if this matter was not resolved by the close of business on December 9, 2004, we would raise the issue with the Court. As of this morning, we have received no response to our letter.

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Significantly, the Court has not stayed discovery during the pendency of the defendants' dismissal motion. Discovery is scheduled to close on February 9, 2005. Under the circumstances, we respectfully request a conference with the Court in an effort to get discovery on track in the most expeditious manner possible.

Thank you for your consideration.

Respectfully submitted,



William S. Gyves

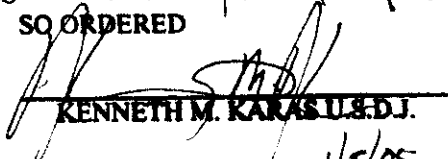
WSG/jr

cc: Lorienton N.A. Palmer, Esq. (via facsimile)

MEMO ENDORSED

The discovery issues will be addressed at the January 7, 2005 conference. Defense Counsel should be prepared to ~~discuss~~ ^{discuss} both the merits of Plaintiff's claim and their failure to respond to plaintiff's ^{counsel's} messages.

SO ORDERED


KENNETH M. KARAS U.S.D.J.
1/5/05